

ZB# 02-66

**NW Realty/Headlee Mgmt.
(KFC/Long John Silvers)**

35-1-59.21

Prelim.

November 25, 2002

#02-66-Route 32 NW Realty LLC

Sign area 35-1-59-21

APPROVED

~~2/20/03~~
2/20/03

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Route 32 NW Realty LLC

FILE# 02-66.

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA X Sign

USE

APPLICATION FOR VARIANCE FEE \$ 150.00

*

*

*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00.

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE \$ 36.00

2ND PRELIMINARY- PER PAGE \$

3RD PRELIMINARY- PER PAGE \$

PUBLIC HEARING - PER PAGE \$ 49.50 12/9

PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: \$ 35.00

2ND PRELIM. \$

3RD PRELIM. \$

PUBLIC HEARING. \$ 35.00 12/9

PUBLIC HEARING (CONT'D) \$

TOTAL \$

MISC. CHARGES:

..... \$

TOTAL \$

LESS ESCROW DEPOSIT \$

(ADDL. CHARGES DUE) \$

REFUND DUE TO APPLICANT .. \$

*paid
ck #1750
11/26/02

paid ck
#1751*



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

March 11, 2003

Shaw Engineering
P.O. Box 2569
Newburgh, NY 12550

SUBJECT: ZBA #02-66 REQUEST FOR VARIANCE

Dear Mr. Shaw:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

Sent 3/11/03

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Prelim.
Nov. 25, 2002.

#02- Page 1 of 3

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

KFC signs

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 11/8/02

APPLICANT: Gregory Shaw (Engr.)
744 Broadway
PO Box 2569
Newburgh, NY 12550

*Owner:
Route 32 NW Realty LLC*

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 11/7/02

FOR : Headlee Management

LOCATED AT: 334 Windsor Highway

ZONE: C Sec/Blk/ Lot: 35-1-59.21

DESCRIPTION OF EXISTING SITE: Kentucky Fried Chicken/Long John Silver

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-18H1(b) Façade Signs

1. 1 permitted, 2.5high and 10ft wide. 2 proposed Colonel signs 6ftx9ft. A variance for 1 additional façade sign and 3.5ft height for both signs is required.

Louis J. Kuchner
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: C USE:

SIGN: Façade sign

FREESTANDING:

HEIGHT:

WIDTH:

WALL SIGNS: 1 - 2.5x10

2 - 6x9

1 additional façade sign and
3.5ft height for both signs

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP

APPROVED

PLEASE ALLOW FIVE TO TEN MINUTES TO COMPLETE
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be re-inspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:

Building Permit #: 2002-1227

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Route 32 N.W. Realty, LLC aka Headline Management

Address 259 Route 17, Newburgh, NY Phone # 564-5250

Mailing Address _____ Fax # 564-3027

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer.

Edgar J. Edgar For Owner
(Name and title of corporate officer)

1. On what street is property located? On the West side of Windsor Highway
(N, S, E or W)
and 800 north feet from the intersection of Old Forge Hill Road
2. Zone or use district in which premises are situated C Is property a flood zone? Y N X
3. Tax Map Description: Section 35 Block 1 Lot 59.21
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy Restaurant b. Intended use and occupancy Restaurant
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other SGW
6. Is this a corner lot? No Kentucky Fried
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
- Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee _____

1 / 1
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krychev
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 583-4818
(845) 583-4885 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

George J. Miller
(Owner's Signature) Engineer For Owner

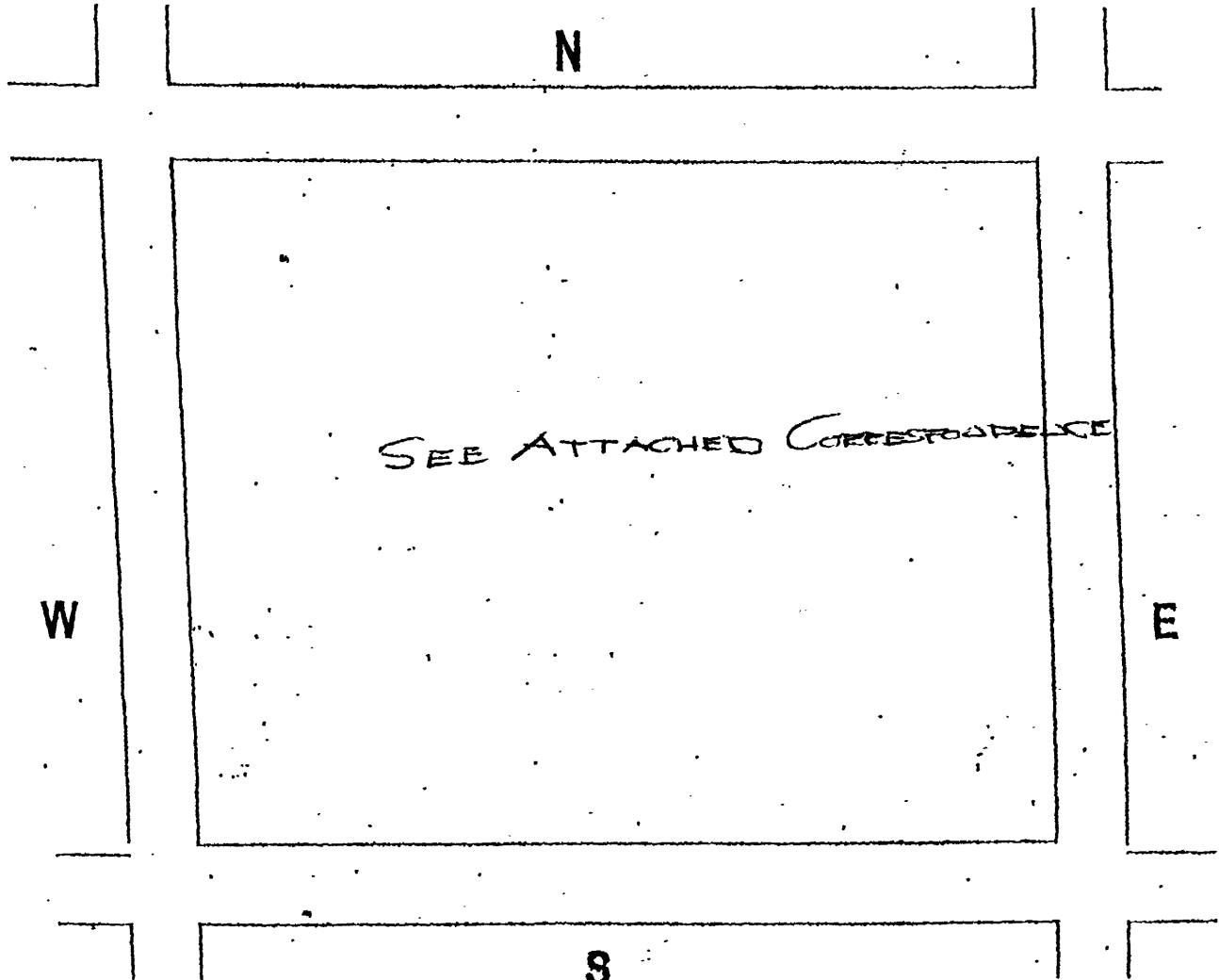
(Address of Applicant)

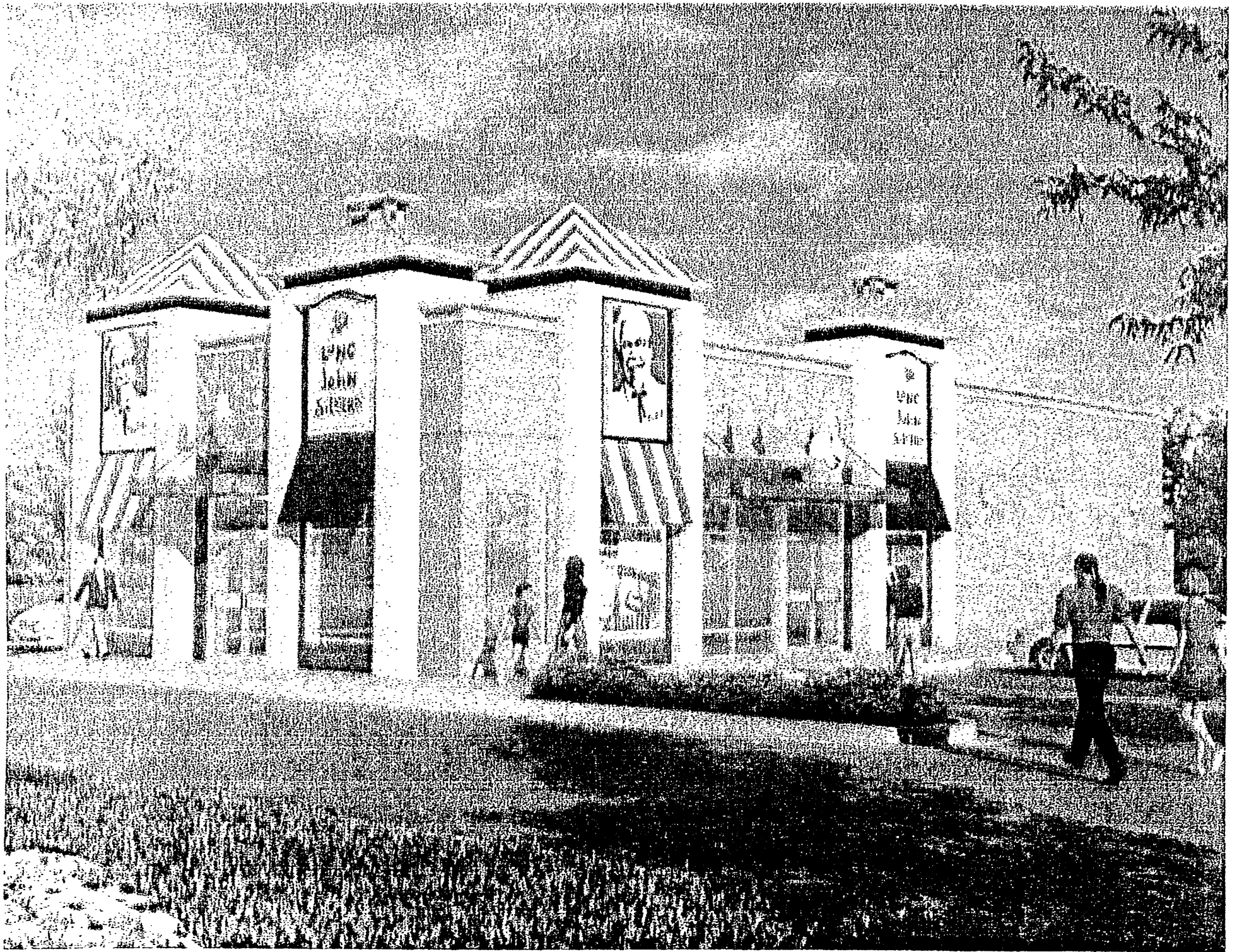
254 Route 17K
New Windsor, NY 12556

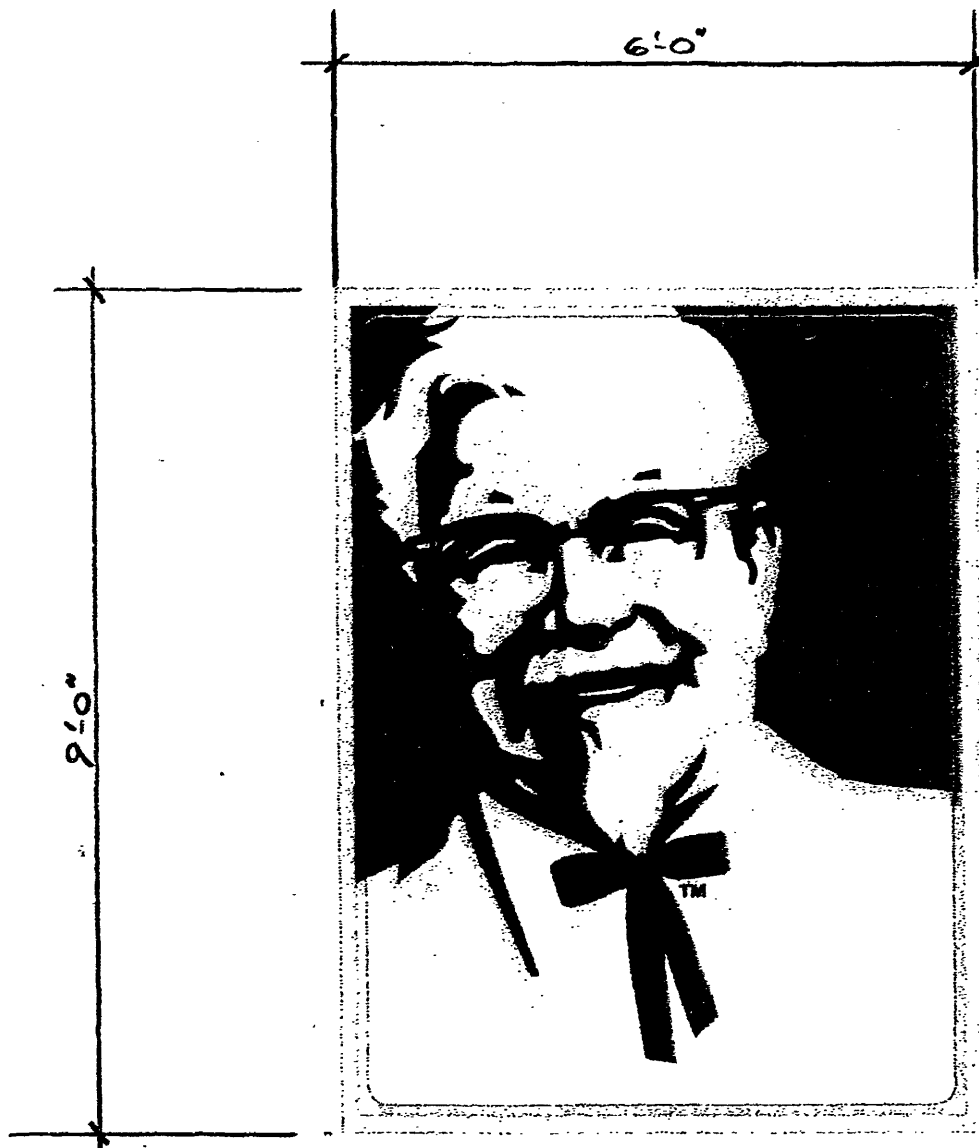
(Owner's Address)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.







2 BUILDING SIGNS

SECTION

UTILITIES

62 10.6A(C) LINES

43

1.7A

44

3A

45

2A(C)

47

1.2A

48

1.2A

50

1A

51

1.6A

52

3A

FRIEDMAN

V-6 N.Y. NO. 15
DISTRICT

CENTRAIL
WATER

SEE SECTION 82

1

112

53.21

29.3A

107

1A

108

54.21

2.4A

55

1.3A

56

1.2A(C)

57

59.1

102.2

3.7A

102.1

2A

59.21

1.1A

60

1A

61

13.7A

Common School

Dist. No. 3

SECTION 45

SECT

SEE SECTION
86

(CONDO SITES)

YORK
WINDSOR

NEW
NEW

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

SECTION 46

E578,000
N532,000

RANGE COUNTY~NEW YORK

No: 8-497,498

Date of Map: 9-24-67

Photo: 3-1-65

Date of Revision: 3-1-01

TO

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Page 2 of 3.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 11/8/02

APPLICANT: Gregory Shaw
744 Broadway
PO Box 2569
Newburgh, NY 12550

Copy

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 11/7/02

FOR : Headlee Management

LOCATED AT: 334 Windsor Highway

ZONE: C Sec/Blk/ Lot: 35-1-59.21

DESCRIPTION OF EXISTING SITE: Kentucky Fried Chicken/Long John Silver

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-18H1(b) Façade Sign

1. 1 permitted. 2.5high and 10ft wide. 2 proposed Long John Silvers Façade signs, 6x9 requires a variance for 1 additional sign and 3.5ft height for both.

Louis J. Krychew
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: C USE:

SIGN:

FREESTANDING:

HEIGHT:

WIDTH:

WALL SIGNS: 1 - 2.5x10

2 - 6x9

1 additional façade sign and
3.5ft height for both signs

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

cc: Z.B.A.. APPLICANT. FILE, W/ATTACHED MAP

APPROVED

IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection W/O's.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:

Building Permit #: 2002-1225

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Route 32 N.W. Realty, LLC aka Headlee Management

Address 259 Route 17^k, Newburgh, NY Phone # 564-5250

Mailing Address _____ Fax # 561-3027

Name of Architect

Address _____ Phone _____

Name of Contractor

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer.

George J. Silver Engineer For Owner
(Name and title of corporate officer)

1. On what street is property located? On the West side of Windsor Highway
(N, S, E or W)
and 800 north feet from the intersection of Old Forge Hill Road
2. Zone or use district in which premises are situated C Is property a flood zone? Y N X
3. Tax Map Description: Section 35 Block 1 Lot 59.21
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy Restaurant b. Intended use and occupancy Restaurant
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other SIGN
Long John Silver
6. Is this a corner lot? No
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee _____

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krychear
New Windsor Town Hall
666 Union Avenue
New Windsor, New York 12553
(845) 863-4818
(845) 863-4885 FAX

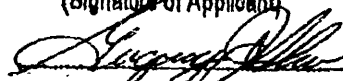
Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)



(Owner's Signature)

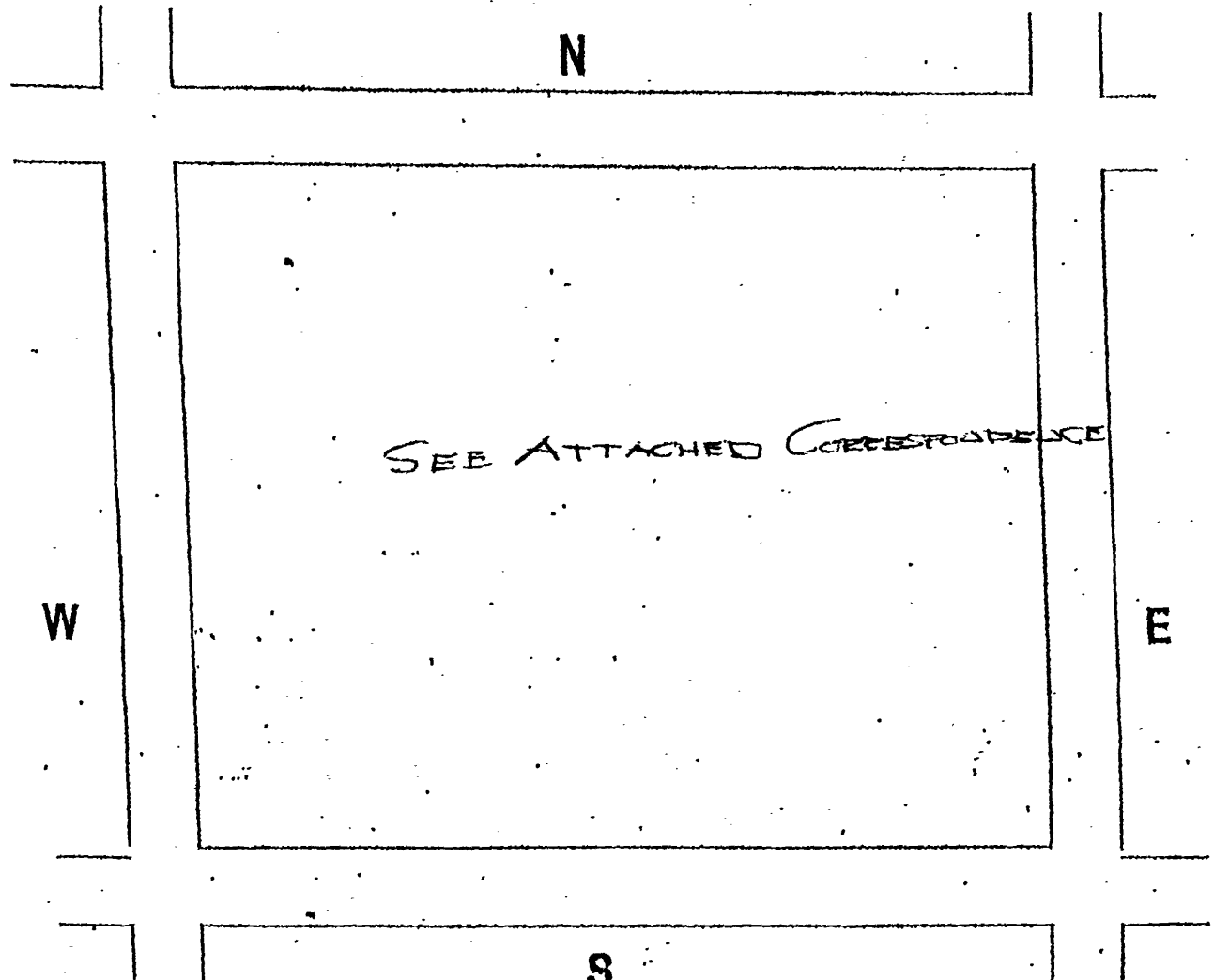
Engineer For Owner

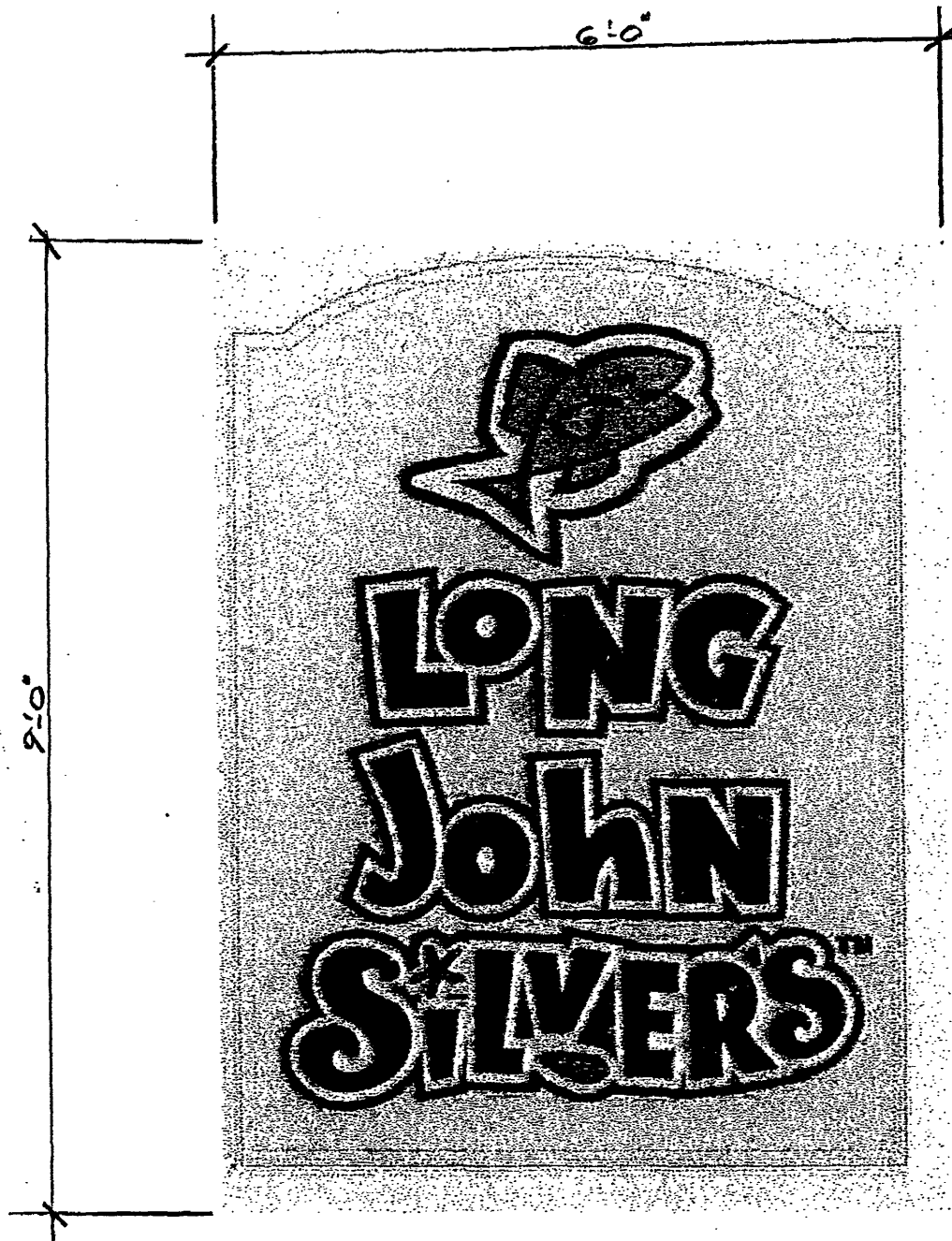
(Address of Applicant)

259 Route 17K
New Windsor, NY 12553

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





2 BUILDING SIGNS

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Page 3 of 3.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

Freestanding
(both).

DATE: 11/8/02

APPLICANT: Gregory Shaw
744 Broadway
PO Box 2569
Newburgh, NY 12550

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 11/7/02

FOR : Headlee Management

LOCATED AT: 334 Windsor Highway

ZONE: C Sec/Blk/ Lot: 35-1-59.21

DESCRIPTION OF EXISTING SITE: Future Kentucky Fried Chicken/Long John Silver

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-18 H(1a) permitted accessory signs: 1 Freestanding sign, 15ft high, 64sqft total of all faces allowed. Proposed 20ft high and 120sqft requires a variance for height and sqft total of all faces.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

✓
VARIANCE
REQUEST:

ZONE: C USE: 1 Freestanding sign

SIGN:

FREESTANDING: 1-64sqft

1-120sqft

56sqft

HEIGHT: 15ft

20ft

5ft

WIDTH:

WALL SIGNS:

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP

APPROVED

IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be re-inspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2002-1226

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Route 32 N.W. Realty, LLC aka Headlee Management

Address 259 Route 17^K, Newburgh, NY Phone # 564-5250

Mailing Address _____ Fax # 564-3027

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder

Owner

If applicant is a corporation, signature of duly authorized officer.

[Signature] Engineer For Owner
(Name and title of corporate officer)

1. On what street is property located? On the West side of Windsor Highway
(N, S, E or W)
and 800 North feet from the intersection of Old Forge Hill Road
2. Zone or use district in which premises are situated C Is property a flood zone? Y N X
3. Tax Map Description: Section 35 Block 1 Lot 59.21
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy Restaurant b. Intended use and occupancy Restaurant
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other SIGN
24 sq. ft. sign
6. Is this a corner lot? No
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
- Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee _____

date _____

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lal & Louis Krychew
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4885 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
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- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

George J. Miller Engineer For Owner
(Owner's Signature)

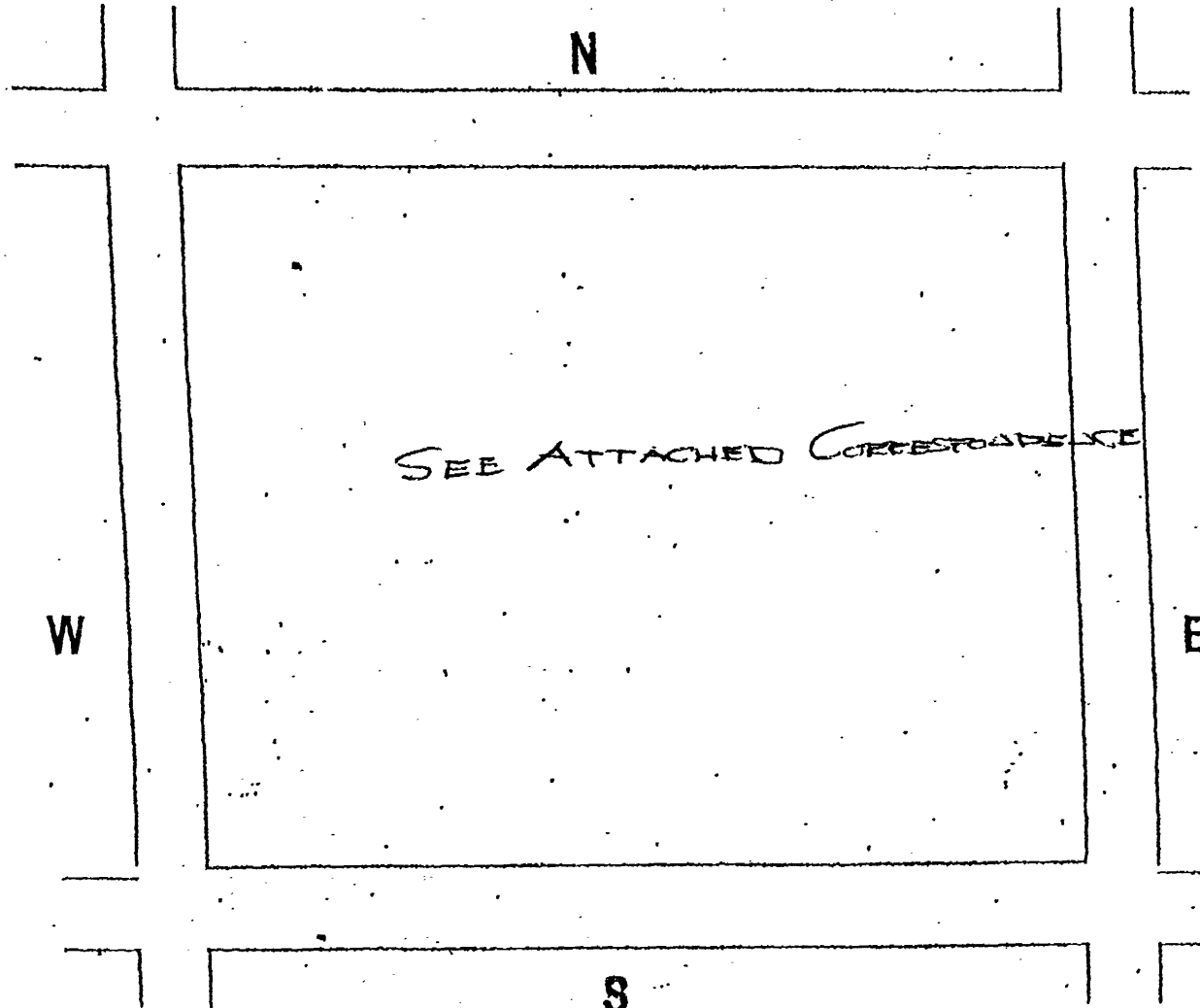
(Address of Applicant)

259 Route 17K
New Windsor, NY 12556

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



20'-0"

6'-0"

1'-0"

3'-0"

10'-0"

10'-0"



THREE
LINES OF
8" COPY

4 FT

12 SQ FT = 24 SQ FT
BOTH SIDES

1 SIGN

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

ROUTE 32 N.W. REALTY LLC (HEADLEE MANAGEMENT)

AREA VARIANCE

CASE #02-66

WHEREAS, ROUTE 32 N.W. REALTY LLC (HEADLEE MANAGEMENT), owners of 334 Windsor Highway, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 1 - additional facade sign, 3.5 feet height for two signs: Long John Silver - one (1) additional sign and 3.5 ft. height for two signs: Freestanding - 56 ft. freestanding and 5 ft. height in a C Zone on Windsor Highway; and

WHEREAS, a public hearing was held on the 9th day of December 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Gregory Shaw, P.E. of Shaw Engineering, appeared on behalf of the applicant and this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a commercial property located in the neighborhood of commercial properties on a busy State Highway.
 - (b) The Applicant proposes to construct a fast-food restaurant serving two different kinds of fast food.

- (c) The property replaces a former restaurant whose building and signs have been removed.
- (d) The Applicant is requesting an increase in the allowed façade signs from two (2) to four (4), an increase in the height of the allowed freestanding sign and an increase in the area of the freestanding sign to allow the addition of a reader board.
- (e) Since the proposed building will house two restaurants, there are two entrances to the building.
- (f) Two of the proposed signs will have a pictured depiction but, no wording.
- (g) The size of the proposed signs were reduced by the applicant from the original application.
- (h) The proposed freestanding sign will not be higher or larger than other commercial signs in the neighborhood.
- (i) The lot on which the signs are to be located appears to have good visibility.
- (j) The proposed freestanding sign, if allowed, will not interfere with the vision of motorists on the adjacent highway.
- (k) The increase in the size of the freestanding sign is to accommodate two businesses in one building, both businesses using the same freestanding sign.
- (l) None of the signs will be flashing, or moving; nor will they contain any flashing neon.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an area variance for 1 - additional facade sign, 3.5 feet height for two signs: Long John Silver - one (1) additional sign and 3.5 ft. height for two signs: Freestanding - 56 ft. freestanding and 5 ft. height in a C Zone on Windsor Highway; and as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: February 20, 2003



Chairman

ROUTE 32 NW REALTY LLC

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. TORLEY: Request for one (1) additional facade sign and 3.5 ft. height for two signs: Long John Silver - one (1) additional facade sign and 3.5 ft. height for two signs: Freestanding - 56 ft. freestanding and 5 ft. height on Route 32.

MR. SHAW: For the record, again, my name is Greg Shaw with Shaw Engineering and tonight I'm representing Route 32 New Windsor Realty LLC, which is the owner and operator of the new combined Kentucky Fried Chicken Long John Silver's restaurant. This building is presently under construction and we're hoping to have a Certificate of Occupancy by the end of the year, we're just that close on it. One of the probably the last remaining item is the signs for the proposed building. What I passed out to the board is a breakdown of the variances that we're requesting and if I can just go over them very quickly, we're requesting a height of the freestanding sign, we're requesting an area of the, a variance for the area of the freestanding sign, we're also requesting to allow us to have two signs per business as opposed to one, we're requesting to allow us to go to a sign height for the facade signs in lieu of 2 1/2 feet high of 7 feet high. When we came here two weeks ago and presented this application, we were requesting with respect to facade signs, 4 signs with the dimensions of 7 feet by 9 feet and again, the board as they always do they asked us to minimize our request for the variance as much as possible and in speaking with the client, we have done that, we have reduced the size of the facade signs to 3 feet by 5 feet. We're allowed one facade sign per business, two businesses, KFC-Long John Silver's for a total of two signs, we're requesting an additional sign for each business. What we're also requesting is a variance for the height, your zoning ordinance allows a maximum freestanding sign of 15 feet, we're requesting a total freestanding height of 20 feet, therefore, five foot variance. And finally, we're requesting a variance for the area of the freestanding sign. If you notice in my breakdown

between the identification sign and the reader board that's going to be a total of 154 square feet, your zoning ordinance allows only 64 square feet, therefore, a total of 90 square feet. So we have reduced the size of the signage while we're still requesting a total of 4 signs for the facade as opposed to the two signs which is permitted by zoning, just excuse me for a second, I want to find the zoning ordinance. Thank you. The board had reluctance at the last meeting to approve an additional facade sign for each of the two businesses and in reading through your sign ordinance, there's relief if the board wishes to go that way and if I can quote from it, it says here if a permitted business--

MR. TORLEY: Where are you reading from?

MR. SHAW: Section H, permitted accessory signs.

MR. BABCOCK: 48-18.

MR. RIVERA: Is that current?

MR. SHAW: I believe so, 48-28.2.

MR. BABCOCK: I think you're quoting a page number.

MR. SHAW: Yes, I am.

MR. TORLEY: Point 12.

MR. SHAW: Point 2.

MR. REIS: While they're clearing that up, I've got a clarification here on the public hearing, it says 56 square foot freestanding, that's your requested variance, right, and on your schedule, you've got 90 square foot so I'm not--

MR. BABCOCK: Well, the 90 square foot is the total, if I'm not correct, I don't have a copy of the paperwork. We have the Ponderossa file and there's two different files.

MR. SHAW: When the initial application was submitted

to Mike's department, we got a rejection based on certain numbers and following the last meeting in the formal application that was submitted to the board the numbers were revised.

MR. KANE: So you're looking for 90.

MR. REIS: We've got to change something here.

MR. BABCOCK: The total square footage of the freestanding sign is 90.

MR. SHAW: No, the total square footage is 154 square feet, we're allowed 64 square feet of freestanding sign, therefore asking for a variance of 90.

MR. REIS: So it's 90 not 56?

MR. BABCOCK: Right, it's 90.

MR. SHAW: Back to the Chairman. Did I have the right section?

MR. TORLEY: I can't find mine, maybe mine's missing pages. What's the revision date?

MR. SHAW: 5/99 for the page that I'm on is 10/4/95.

MR. TORLEY: I'll take your word for it, mine, maybe I went from 4026 to 4028, I may have misfiled mine, I'll take yours as correct.

MR. SHAW: I'd like to bring out to the board again the board wishes to find a way to allow those signs, I think there are provisions and I'm reading from the section, facade signs, if a permitted business or establishment has more than one main building entrance then one additional full size facade sign will be permitted, but in no case shall the additional sign be located on the same building face as the other permitted sign. What we have here is the new building and this is the site plan that was approved by the planning board, we have an entry on the front elevation of the building, we have a side entry, if you look at the elevation of the building, you'll see the placement

of the facade signs, we have two towers, all right, that are under construction, we're proposing to put a sign on each corner of the tower as it faces Windsor Highway and another sign on the side elevation of the building, again, where the second entrance is. So there are provisions in the ordinance to allow a second set of facade signs, again, one for each business, if the board can see their way clear to that. And also unique and again, I'm going to go a few more pages into the ordinance, not that we would do this, but, I mean, if working in the framework of the ordinance as I read interior signs located within the building or stadium or within an enclosed lobby or court of any building and located within the inner or outer lobby court or theater entrance of any theater, that's an exempt sign, so my clients really can take these two signs, all right, which are under scrutiny by the board and just lower them, place them in the windows on the inside of the building and they would be an exempt sign. My client doesn't want to do that. My client wants to work within the framework. And if you take a look at the elevation, again, the towers and the architecture and the signs work together, one of the signs, actually two of the signs which would be Kentucky Fried Chicken doesn't even have any lettering, they just have the picture of the Colonel. So what I would ask the board in lieu of the fact that we have reduced the signage from 9 x 7 to 5 x 7, all right, and the fact that we have two entrances into the building, again, these entrances were approved by the planning board probably two months ago, that if you wanted to find a way to allow the facade signs that the board could.

MR. TORLEY: Did I mishear? I thought you said 3 x 5.

MR. BABCOCK: You did, I think you misspoke.

MR. SHAW: I'm sorry, 5 x 7.

MR. BABCOCK: That's what the paperwork shows.

MR. SHAW: Correct, that's the handout which reflects that which is included in the application.

MR. KANE: They were reduced from what again, Greg?

MR. SHAW: What I originally presented was 9 x 7 and the board just thought that was excessive and they wanted us to go back and revise it and we did, in fact, that's the smallest sign that they make, not that that's the board's problem, it's our problem, but it's the smallest that they make.

MR. TORLEY: I think that exempt sign thing is really referring to signs like that are inside the Destinta Theater, they're not seen from the inside, they're internal signage.

MR. BABCOCK: You can put window signs if you have a window, you can put any sign you want in the window as long as it's on the inside.

MR. TORLEY: Inside the glass?

MR. BABCOCK: Yes.

MR. SHAW: So we could take the signs off the wall and put them behind the glass in the heated space and they are now exempt, but we don't want to do that.

MR. TORLEY: Is there, again, is there anyone in the audience besides the applicants who wish to speak on this matter? Let the record show there is none.

MS. MASON: For the record, on November 26, 25 addressed envelopes containing the public hearing notice were mailed out.

MR. TORLEY: I'd like to move with the board's permission to the freestanding sign.

MR. SHAW: Fine, that's exactly where I was going.

MR. TORLEY: Why do you need the extra five feet of height?

MR. SHAW: What do you think varies the most with respect to the zoning ordinance, the height or the size of the sign?

MR. TORLEY: Both but I'm accessing one thing at a time.

MR. SHAW: Well, what I have done is I went along Route 32, the strip, and tried to take some pictures of existing signage and again, it's kind of hard to look at them and get a handle on the dimensions, but at least you can get a scale of them. And what I did, I think I took four or five photographs, all right, and with respect to the Carpet Mill Outlet property, that sign is definitely 20 feet, maybe higher. Econo Lodge, that has to be 25 feet high, all right, just down the street--

MR. TORLEY: Econo Lodge came in and requested a variance.

MR. BABCOCK: Yes, they did.

MR. TORLEY: I don't know about the Carpet Mill.

MR. KANE: That's been there for a long time.

MR. TORLEY: That's been there since I moved up here but this sign is replacing the old Ponderossa sign.

MR. SHAW: No, it wasn't our intention to replace that sign.

MR. TORLEY: That particular lot has pretty good visibility in both directions, it's not down in a hole, it's got good sight lines on the road for quite a ways at I would think 15 feet it meets.

MR. SHAW: You have two commercial parcels immediately north of us which I'm sure are going to be before the planning board within the next year or so so they're going to have their signage and now it will not be as visual.

MR. TORLEY: Okay, but they're still, they have to meet the same zoning code, they have to be 15 feet.

MR. SHAW: Planet Wings, that has to be greater than 15 feet in height, just look at the scale and the

dimensions of that I'm told are 8 x 16, it's a very large sign so, I mean, Route 32, Windsor Highway has a number of signs which are far in excess of 15 feet that permitted by zoning and it's kind of a tradeoff height versus size, all right, as far as visibility goes, obviously, you'd like to have both, but you can't always have them and that's why I asked what the board felt was the most, had the greatest variance from the New Windsor standards, maybe if it, if you could live with the size of the signs, maybe we can make it a little bit smaller or lower, I should say, or if you, if the size gets a little bit smaller, maybe we'd leave it up at the 20 foot height.

MR. TORLEY: What's the board's pleasure on this?

MR. REIS: What's the client's, you know, obviously, the client would like to have what you're asking for, but what would be their worst case scenario?

MR. SHAW: Worst case scenario is that they can live with the 15 foot, if they can get the 6 x 10 sign, actually it's 6.2 feet by 10 foot sign with the reader board exactly what was submitted to you.

MR. KANE: Personally, I'd go for the smaller sign and not a problem with the height.

MR. TORLEY: How much smaller can you make the sign and keep it at 20 feet?

MR. SHAW: I'm sorry?

MR. TORLEY: What's the next size smaller sign?

MR. MC DONALD: And still stay 20 foot.

MR. SHAW: The next size smaller sign is 5 x 9 and zoning allows 4 x 8 so we're not varying that much.

MR. TORLEY: Well, so you're asking 4 x 8, you can go 5 x 9, so you'd be, the board would, I'm hoping to paraphrase or see if I can get a consensus, so the board is willing to think of 7 x 9 at 20 feet, is that what you're saying?

MR. MC DONALD: Yes.

MR. KANE: Yes.

MR. TORLEY: Please correct me if I'm wrong.

MR. REIS: That would be your preference.

MR. SHAW: No, it won't be 7 x 9, it would be 5 x 9, our original proposal is 6 x 10 versus zoning of 6 x 8.

MR. TORLEY: So 5 x 9.

MR. REIS: And still have the height.

MR. SHAW: And still have 20 feet in height.

MR. KANE: Yes, I agree with that.

MR. BABCOCK: The reason for that size of the sign is that you have two businesses.

MR. SHAW: That's a very important point.

MR. BABCOCK: There's two businesses in one building, that's the problem.

MR. MC DONALD: And they're both using the same sign.

MR. BABCOCK: Right.

MR. MC DONALD: You're cutting down a foot.

MR. SHAW: In each dimension, so what we're asking for is one extra foot and each dimension above that is what we're allowed.

MR. TORLEY: Anything else?

MR. SHAW: Do you want to go back and revisit the facade signs or do you think we have discussed that?

MR. TORLEY: I think you have discussed it. I'm asking members of the board what questions they have.

MR. MC DONALD: No questions.

MR. TORLEY: Do you want to do these variances one at a time?

MR. REIS: Can you capsulize now where we are with this?

MR. SHAW: With respect to the freestanding sign, we're requesting 20 feet, the zoning ordinance allows 15 feet, we're asking for a variance of five feet. With, again, with respect to the freestanding sign, the dimensions are 5 feet by 9 feet, zoning ordinance which is a total of 45 feet per side plus the reader board and zoning allows us a 4 x 8. So we're asking for a one foot increase in each dimension, plus the reader board for the freestanding sign. What we're asking for with respect to the facade signs is we have two businesses, we're allowed two signs, what we're asking for are two signs per business for a total of 4 signs with two signs being placed on the front elevation by the front entrance and two signs being placed on the side elevation by the side entrance and whether it's two or whether it's four signs we're asking for a variance on sign height. We're allowed a maximum height of 2 1/2 feet, the signs are going to be 5 x 7 so therefore, we're asking for each of the facade signs, a height variance of 4 1/2 feet which is the 7 feet we're requesting minus the 2 1/2 feet which zoning gives us for a net difference of 4 1/2.

MR. TORLEY: Lighting, all these signs are internally lit?

MR. SHAW: Yes.

MR. TORLEY: No flashing neon, no moving signs?

MR. SHAW: No.

MR. MC DONALD: The two towers that are on the north in the parking lot, what's the distance from the center line from the road to the two towers on the right side?

MR. SHAW: From our property line 60 feet and we probably have another 20 feet to the edge of pavement so I'd say 75 feet to 80 feet in that range from the edge of the shoulder.

MR. REIS: The two signs per business are going to be facing north-south.

MR. SHAW: They're going to be facing Windsor Highway cause they'll be mounted on the front elevation and they'll be facing the north elevation cause that again is where our side entry is.

MR. REIS: Nothing coming up from the south.

MR. SHAW: No, that's going to be the drive-thru area with no signage.

MR. TORLEY: You're talking about small directional signage for the drive-thru area and that's within the code?

MR. BABCOCK: Yes.

MR. TORLEY: Gentlemen, do you want to take the variances in order all at once? Your choice.

MR. KANE: Probably be simpler to take them all at once, Mr. Chairman. Accept a motion?

MR. TORLEY: Yes, sir.

MR. KANE: I move we approve the following variances for KFC-Long John Silver's on Route 32, a five foot freestanding height variance, a 56 square foot area freestanding variance, two additional facade signs, one per business and a height of the facade sign of 4 foot six inches per each sign.

MR. TORLEY: Number of facade signs would then be a total of four.

MR. KANE: Correct.

MR. SHAW: Correct, the numbers which he just presented

are accurate.

MR. REIS: Second the motion.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	NO
MR. TORLEY	AYE

MS. MASON: Motion is carried four ayes, one nay.

MR. TORLEY: I wish everyone here a happy holiday and be save. That ends our meeting and we'll see you all in 2003. Motion to adjourn?

MR. KANE: So moved.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

Respectfully Submitted By:


Frances Roth
Stenographer

off/for



RESULTS OF Z.B.A. MEETING OF: Dec 9, 2002

PROJECT: Pt. 32 NW Realty (Headlee Mgmt) ZBA # 02-66
P.B.#



USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
KANE
TORLEY

NEGATIVE DEC: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
KANE
TORLEY

PUBLIC HEARING: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
KANE
TORLEY

APPROVED: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
KANE
TORLEY

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) S) VOTE: A N
RIVERA
MCDONALD
REIS CARRIED: Y N
KANE
TORLEY

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) S) VOTE: A 4 N 1.

RIVERA W
MC DONALD Y
REIS Y
KANE Y
TORLEY Y

CARRIED: Y ✓ N

Approved

744 Broadway
P.O. Box 2569
Newburgh, New York 12550
(845) 561-3695

SIGN SCHEDULE

New KFC/Long John Silvers Restaurant
For
Route 32 N.W. Realty, LLC
November 26, 2002

Free Standing Sign

Variance No. 1: Height Of Free Standing Sign
Height Of Free Standing Identification Sign Requested
Height of Free Standing Sign Allowed
Variance Requested

20'-0"
15'-0"
5'-0"

Variance No. 2: Area Of Free Standing Signs

- "Identification Sign": 10.0' x 6.2' (2 sides)
- "Reader Board" 5.0' x 3.0' (2 sides)

124 S.F.
30 S.F.
154 S.F.

Area Of Free Standing Sign Allowed
Variance Requested

64 S.F.
90 S.F.

4'5"
90
30
120
64
56

Facade Signs

Variance No. 3: Number Of Facade Signs

Number of Facade Signs Requested
Number of Facade Signs Allowed
Variance Requested

4
2
2

Variance No. 4: Height Of Facade Sign For Each Of 4 Signs

Height Of Facade Sign Requested
Height of Facade Sign Allowed
Variance Requested

7'-0"
2'-6"
4'-6"

~~5x5~~
5x7

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X
In the Matter of the Application for Variance of

Ronde 32 NW Realty,
02-66.

AFFIDAVIT OF
SERVICE
BY MAIL

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

Patricia A. Corsetti, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside in New Windsor, Orange County, N. Y.

That on the 26th day of November, 2002, I compared the 25 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia A. Corsetti

Sworn to before me this

26 day of November, 2002.

Claire M. Benson
Notary Public

CLAIRE M. BENSON
Notary Public, State of New York
No. 01E0247685
Qualified in Orange County
Commission Expires August 31, 2005

FROM : SHAW ENGINEERING

PHONE NO. : 914 561 3027

Nov. 25 2002 10:14AM P2

Pls. publish immediately. Send bill to Applicant: 194 Quassac Ave., N.W.

PUBLIC NOTICE OF HEARING**ZONING BOARD OF APPEALS****TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 02-66

Request of Route 32 N.W. Realty LLC

for a VARIANCE of the Zoning Local Law to Permit:

the installation of a free standing sign where the sign height and the area of all faces exceed that permitted by Zoning, and the installation of 4 facade signs where the number and sign heights exceed that permitted by Zoning

being a VARIANCE of Section 48-18 H.(1)(a) & (b)

for property situated as follows:

334 Windsor Highway

known and designated as tax map Section 35, **Blk.** 1 **Lot** 59.21

PUBLIC HEARING will take place on the 9th **day of** December, **20** 02 **at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.**

Lawrence Torley

Chairman

By: Patricia A. Corsetti, Secy.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

November 13, 2002

Gregory Shaw
744 Broadway
Newburgh, NY 12550

RE: 35-1-59.21

Dear Mr. Shaw:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's office.

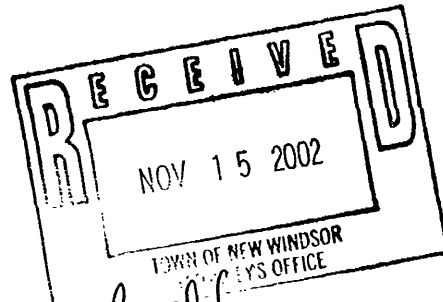
Sincerely,

John McDonald (signature)

John McDonald
Acting Assessor

JM/JJL
Attachments

Cc: Pat Corsetti, ZBA



25

35-1-60
Margaret & Jesse D. Deyo
340 Windsor Hwy
New Windsor, NY 12553

35-1-61
Vails Gate Elementary School
98 Grand Street
Newburgh, NY 12553

Section 86 (Washington Green Condos)
Washington Green Board of Directors
C/o Emerald Mgmt.
P.O. Box 268, 2299 Route 9W
Newburgh, NY 12550

35-1-102.1 & 45-1-39
Petro Metals Inc.
North Plank Development Company L.L.C.
5020 Route 9W
Newburgh, NY 12550

35-1-102.2
Windsor Enterprises, Inc.
5020 Route 9W
Newburgh, NY 12553

45-1-30
Laurel A. & George Jr. Heine
36 Continental Drive
New Windsor, NY 12553

45-1-31
William & Christine Gegenheimer
1175 67th Street
Brooklyn, NY 11219

45-1-32
Javier R. & Norma C. Garcia
40 Continental Drive
New Windsor, NY 12553

45-1-33
Gerald & Deborah Wynters
& Herbert Milch
42 Continental Drive
New Windsor, NY 12553

45-1-34
Naomi S. Wessman
44 Continental Drive
New Windsor, NY 12553

45-1-35
Rene Kroun Under the Kroun Living Trust
46 Continental Drive
New Windsor, NY 12553

45-1-36
Chien-Min & Yao-Ming Lu
48 Continental Drive
New Windsor, NY 12553

45-1-37
Anne Hess & Mary Pascale
50 Continental Drive
New Windsor, NY 12553

45-1-38
Eleanor K. Kaduk
P.O. Box 1206
Newburgh, NY 12550

45-1-40.1
Rottmeier Dev. Co. Inc.
C/o Rudolph Rottmeier
2 Park Place A. 3E
Newburgh, NY 12550

45-1-40.21
Planet Wings Inc.
24 Sunnyside Ave.
Middletown, NY 10940

45-1-40.23
William Horowitz Corp.
6 Hamilton Drive East
North Caldwell, NJ 07006

45-1-41.1
Charles Catanzaro
26 Susan Drive
Newburgh, NY 12550

45-2-15
Steven Ponesse & Dawn Marie Mulder
33 Continental Drive
New Windsor, NY 12553

45-2-16
Steven A. & Sheila K. DeCicco
31 Continental Drive
New Windsor, NY 12553

49-1-1.1
Kyriake, Christos & Nikolas Mylonas
C/o New Windsor Coach Diner
345 Windsor Hwy
New Windsor, NY 12553

49-1-1.2
Dimitrios & Pope Mylonas
C/o New Windsor Coach Diner
351 Windsor Hwy
New Windsor, NY 12553

49-1-2
Patricia Anne Willard
52 Continental Drive
New Windsor, NY 12553

49-1-3
Lawrence P. DiGregorio
& Claudette Robertson
54 Continental Drive
New Windsor, NY 12553

49-1-28
Bank of New York
Attn: P. Culas
Property Management
48 Wall Street 24th Floor
New York, NY 10286

ROUTE 32 NW REALTY LLC

Mr. Greg Shaw of Shaw Engineering appeared before the board for this proposal.

MR. TORLEY: Request for sign area and height variances for Kentucky Fried Chicken/Long John Silver for facade and freestanding signs at location (former Ponderosa) site at 334 Windsor Highway - C zone.

MR. SHAW: Thank you. Again, for the record, my name is Greg Shaw and I'm with Shaw Engineering tonight representing Route 32 NW Realty LLC. The applicant is the owner of the Kentucky Fried Chicken/Long John Silver's building which is under construction right now on Windsor Highway in the former Ponderosa site. If any of the board members have driven by that site, it has been demolished and the new building is under construction. What I'd like to do is ask the board to turn to the third page of the handout that I presented in this package and you get a feeling for the architecture of the building that as I said it's a combination Kentucky Fried Chicken/Long John Silver's and you'll see some of the signage that we're going to be asking for a variance on. Maybe the best place to start now that you have seen it is just flip the drawing over, you'll see the freestanding sign that we're asking for a couple of variances on, the first variance being for a sign height, we're allowed a maximum height of 15 feet, we're requesting a total of 20 feet, therefore, we're asking for a five foot height variance on the freestanding sign. Additionally, variance number 2 would be for the area of the freestanding sign, your zoning code allows a total of 64 square feet, we're proposing a 6 by 10 identification sign two sides for 120 square foot, a reader board which is 4 feet by 3 feet for 24 feet for a total of 144 square feet resulting in a variance of 80 square feet. So that's variance number 2, both of those again belong to the freestanding signs. Now, if we can move to the facade signs. Again, as I pointed out, the signage on the elevation of the building we can see that the signage is really part of the architecture, there's going to be a tower in each corner of the building and the signs are going to be

placed in the panels of that tower. We're allowed one sign for each business, there are two businesses inside that structure, therefore, we're allowed to have two facade signs. We're proposing a total of four. So our next variance would be for the number of facade signs that would be variances 3 and 4, variance 3 being for KFC, variance 4 being for Long John Silver's. Then we would go to the facade sign for KFC is variance number 3 and for Long John Silver's, it's variance number 5, which leaves us variances 4 and 6 which have to deal with the height of the facade signs. We're proposing a height of 9 feet high and if we flip through the materials, you'll see the architecture of the facade signs and their dimensions and your zoning ordinance allows a maximum sign height of 2 1/2 feet, therefore, we'd be requesting a variance of 6 1/2 feet for each of the four facade signs, two belonging to KFC, two belonging to Long John Silver's. So it's a lot of variances but it's really not that complicated, it's just that your sign ordinance has certain limitations to it.

MR. KANE: Trying to keep within that framework of the limitations, Greg, looking at this picture here, where would Route 32 be?

MR. SHAW: Route 32 would be out here so this is the front elevation.

MR. KANE: This would be the front elevation?

MR. SHAW: Yes, correct.

MR. TORLEY: The woman is walking towards the door, that's the Route 32 side?

MR. SHAW: Route 32 is here, that's the side entry.

MR. KANE: I can understand the facade signs on the front, then you have freestanding sign for the highway for people coming in, can we do away with the two, is it necessary to have the two? I mean, we're getting some extreme variances here, so to work with us a little bit, is that a necessary feature there when you have such a big sign on 32, you also have possibly two

extremely big signs on the front of the building, how necessary is it for the two on the side? It's the obvious question.

MR. SHAW: I know it's the obvious question and yes, it is important to have that side visible. The other side of the building is going to be the drive-through, so it's really not that important to have any signage on that side of the building, but with respect to the side of the building you're going to have the majority of the people coming in the side of the building probably even more so than the front, all right, so yes, we would like to have the four signs.

MR. KANE: Is there any way on the side of the building coming in that we can reduce the size of those signs on this side?

MR. TORLEY: How big are they asking physical size of the signs?

MR. SHAW: It's in the package.

MR. KANE: Height request is 9 feet.

MR. SHAW: 9 by 6.

MR. KANE: That's really big signs from the front, if there's something that we can do, I understand the retail value of having them on the side, but if we can reduce that size that would be more receptive on the side.

MR. SHAW: Well, there's one and only one size smaller, okay, than these facade signs, they're 5 feet by 7 feet as opposed to the 6 by 9, that's the smallest we could drop down to cause they don't make 'em any smaller.

MR. TORLEY: I'd point out that that's not really the board's problem.

MR. SHAW: I understand that but you asked me are there any smaller signs and that would be the minimum dimensions.

MR. TORLEY: Mike, we have an area requirement for facade signs, too, don't we?

MR. BABCOCK: No, it's actually a size, it's 2 1/2 by 10 or if you're a certain distance from the road, it could be three foot by ten.

MR. SHAW: What happens is Mike just pointed out you're allowed 2 1/2 feet by 10 feet so effectively, it's 25 square feet, we're allowed ten feet in length but we're only going 6 feet, so we're okay in that dimension, just that we're asking for 9 feet on the sketch that's before you and we're limited to 2 1/2, therefore, the variance is for 6 1/2.

MR. KANE: Personally not speaking for the other members, I don't have a problem with the size of them too much, just the extra ones on the side of the building.

MR. REIS: If you were to give up a sign or your client, what would be the least problematic for you?

MR. KANE: Problem is you've got two different enterprises.

MR. SHAW: What does the board feel is more offensive, the size of the signs or the number of the signs?

MR. KANE: The number.

MR. TORLEY: Number.

MR. MC DONALD: Number.

MR. TORLEY: I see how it does if it in with the architecture but you've got, you're asking also for a very large freestanding sign right in front of the building. Why do you need, it's just architectural to me, more fluff than your commercial attractiveness, if you're not going to use that, the primary entrance is off the side, the front entrance is not designed to be the standard entrance, is it?

MR. KANE: Not the front, that side piece.

MR. TORLEY: You see most people are going to come in here. Why is that there?

MR. SHAW: Because there's going to be parking on each side of the building.

MR. KANE: That's also facing the road so I can understand that.

MR. TORLEY: Well, I guess one or the other one side is the front of your building.

MR. SHAW: I'll speak to my client about this because I don't have the answer but would the board prefer to have two signs of the 6 by 9 dimensions or four signs of the 5 by 7.

MR. TORLEY: We'd prefer two signs of the code requirements.

MR. KANE: Two, personally two, I don't have a problem if we can lose the other two.

MR. TORLEY: If variances are granted, they are supposed to be the minimum variance practicable. You're asking for a lot on the extra two signs.

MR. KANE: But I think working with them we can do that.

MR. TORLEY: I agree with you. To me, again, personally, before we have the public hearing we'll get all the information, two larger signs would be easier for me to buy than four signs.

MR. REIS: Can I make a suggestion? Ask a question first? Greg, you're going to have your freestanding sign that faces your north-south traffic?

MR. SHAW: Correct.

MR. REIS: In front of the building, the front of your building in my opinion would kind of take care of that and you need I would think you'd need your north side,

the facade signs.

MR. SHAW: I understand your point. Basically, the freestanding sign would take care of the front elevation, it's the side that would--

MR. KANE: Right, either side doesn't matter to me.

MR. TORLEY: That's the kind of thing we want to let you know our concerns before the public hearing.

MR. SHAW: Absolutely.

MR. TORLEY: Move on to the freestanding sign part of it.

MR. KANE: Do you have anything else on the facade signs?

MR. MC DONALD: No, I feel the same way.

MR. TORLEY: My problem is not with the size of the sign. Why do you need the extra five feet? That's a pretty good spot there for a sign.

MR. SHAW: For visibility, if you notice the Rite-Aid sign just down the street, the board granted a variance on that about three years ago and that was 20 feet high. So I thought that that was consistent with the commercial strip.

MR. KANE: It is consistent.

MR. REIS: You've got a lot of congestion in this particular spot, it's much more visible, I would say. Would you agree with that, Greg?

MR. SHAW: It is more visible but there are other projects proposed for the remaining land from the former Ponderosa site down to Washington Green entrance.

MR. TORLEY: If they're empty, they have to meet the same requirements.

MR. REIS: I would make a recommendation if we can, if your client approves and you feel it's realistic and doable to reduce it somewhat, come down 3, 4 feet and still be, still need a variance but--

MR. TORLEY: How tall is the old Ponderosa sign, anybody remember?

MR. BABCOCK: No, it's gone.

MR. TORLEY: You could see that a long way.

MR. SHAW: They went out of business.

MR. TORLEY: I refuse to blame that on the sign.

MR. SHAW: Rite-Aid's still there.

MR. TORLEY: That would replace the other KFC?

MR. SHAW: Correct, there's no KFC in New Windsor.

MR. BABCOCK: It's Planet Wings.

MR. TORLEY: So, gentlemen, what other concerns do you wish to express at this time?

MR. KANE: I have nothing on the freestanding sign, if we can make an adjustment on the other two facade signs, that brings it down and we don't overwhelm the place.

MR. MC DONALD: No, I have nothing.

MR. TORLEY: Under those conditions, if there are no other questions, I will entertain a motion.

MR. MC DONALD: Make a motion that we set up NW Realty for a public hearing.

MR. KANE: Second it.

ROLL CALL

MR. KANE AYE

November 25, 2002

27

MR. REIS	AYE
MR. MCDONALD	AYE
MR. TORLEY	AYE

MR. REIS: You want to put in some stipulations?

MR. TORLEY: Nope, this is, we have let him know our concerns, Greg will talk to the principle.

MR. KANE: He's been here.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE

02-66
Date: 11/26/02.

I. Applicant Information:

- (a) Route 32 N.W. Realty LLC, 259 Route 17K, Newburgh, NY 12550
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) Gregory J. Shaw, P.E., 744 Broadway, Newburgh, NY 12550 561-3695
(Name, address and phone of contractor/engineer/architect/surveyor)

II. Application type:

- ☐ Use Variance ☒ Sign Variance
☐ Area Variance ☐ Interpretation

III. Property Information:

- (a) C 334 Windsor Highway 35-1-59.21 1.09 Ac.
(Zone) (Address of Property in Question) (S-B-L) (Lot size)
- (b) What other zones lie within 500 feet? R-5
- (c) Is pending sale or lease subject to ZBA approval of this Application? No
- (d) When was property purchased by present owner? 2002
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No. If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? No

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

(Describe proposal) _____

(b) The legal standard for a "Use" Variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area Variance:

(a) Area variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*		
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** Non-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe

why you believe the ZBA should grant your application for an area variance:

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section 48-18 H.(1)(a) & ~~Section _____~~, Supplementary Sign Regulations (b)

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	Free Standing	Refer To	Attached Sign Schedule
Sign #2	Facade	Refer To	Attached Sign Schedule
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

- (b) Describe in detail the sign (s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

Refer To Attached Narrative

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and free-standing signs? 360 SF

VII. Interpretation.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____.
- (b) Describe in detail the proposal before the Board:

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- X Copy of referral from Bldg./Zoning Inspector or Planning Board.
- X Copy of tax map showing adjacent properties.
- X Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- X Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- X Copy(ies) of sign(s) with dimensions and location.
- X Two (2) checks, one in the amount of \$_____ and the second check in the amount of \$_____, each payable to the TOWN OF NEW WINDSOR.
- _____ Photographs of existing premises from several angles.

X. Affidavit.

Date: November 8, 2002

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Jan. L. Mueller
(Applicant)

Sworn to before me this

21st day of November, 2002

Gerda Alcatraz

XI ZBA Action:

(a) Public Hearing date: _____

Linda A. Ricotta
Notary Public, State of New York
 N. 4866 06
 Qualified in Dutchess County
 Term Expires 5-4-03

Route 32 N.W. Realty, LLC

November 26, 2002

The subject parcel is 1.09 acres in size, and is located on the west side of Windsor Highway within the Design Shopping (C) Zoning District. Windsor Highway is a NYS Highway, and is the main commercial corridor of the Town of New Windsor.

The Applicant proposes to construct a building incorporating two separate restaurant franchises, Kentucky Fried Chicken and Long John Silvers. The building formerly containing the Ponderosa Restaurant will be demolished and a new 3,700 S.F. building will be constructed within the footprint of the existing building. This restaurant use is permitted within the Design Shopping Zoning District.

The new restaurant will be unique in that it will be the first within the northeast to combine the two separate franchises. To promote this concept, the architecture of the structure will be distinctive.

Variances for both height and size are being requested for the free standing sign. The requested 20 foot height is only 5 feet more than that permitted by the Zoning Code. The Variance for the size of the free standing sign is based upon the fact that the two franchises will exist within the new building. With Windsor Highway being the primary commercial corridor of New Windsor, the Variances are not excessive and are in fact consistent with the existing signage along the state highway.

Variances are also being requested for the facade signs, copies of which are attached to this Application. New Windsor Zoning allows one facade sign for each business. The requested Variance is for two signs for each of the two businesses. Also, a Variance is being requested for the height of the facade signage. New Windsor Zoning allows for each business one sign having the dimensions of 2.5 feet by 10 feet which is quite restrictive.

The justification for the above two referenced Variances for the facade signs is the unique concept of having two restaurant franchises within one building, and also the distinctive architecture of the restaurant building. Attached to this Variance Application is an exterior elevation of the building. This elevation indicates two towers at the corners of the building which define the building's architecture. The proposed panel signs are to be located on the sides of the towers. While one Variance is requested to allow an increase from 2 signs to 4 signs, an argument can be made that the two signs of The Colonel are not signs at all, just corporate logos.

The granting of the two subject Variances are not substantial when considering the existing signage along the commercial corridor of Windsor Highway. The granting of the Variance is not detrimental to the health, safety, or welfare of the neighborhood since the property is located in the Design Shopping Zone, and is a permitted use. The granting of the Variances will not have an adverse effect or impact on the physical or

environmental conditions in the neighborhood or zoning district. The granting of the Variances will not produce an undesirable change in the neighborhood or be a detriment to adjoining properties

There is no other method that the Applicant can feasibly pursue other than the Variances sought in this Application. In view of all the facts and circumstances presented to this Board, the Applicant respectfully requests that the Variances sought be granted.

PROXY AFFIDAVIT

SUBMISSION OF APPLICATION FOR VARIANCE # 02-66

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF)
) SS.:
COUNTY OF)

Jan Headlee, being duly sworn, deposes
and says: I am the President of Route 32 N.W. Realty, LLC,
the record owner of
a certain parcel of land within the TOWN OF NEW WINDSOR
designated as tax map SECTION 35 BLOCK 1 LOT 59.21.
I HEREBY AUTHORIZE Gregory J. Shaw, P.E. of
Shaw Engineering (company name)
to make an application before the ZONING BOARD OF APPEALS as
described in the within application.

Dated: November 8, 2002.

Jan C. Headlee
(Signature of Corporate Officer)
Title: Managing Partner

Sworn to before me this

21st day of November, 2002

Linda A. Ricotta
Notary Public

(ZBA DISK#1-012996.CP)

Linda A. Ricotta
Notary Public, State of New York
N. 4886406
Qualified in Dutchess County
Term Expires 5-4-03

PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 02-66

Request of Route 32 N.W. Realty LLC

for a VARIANCE of the Zoning Local Law to Permit:

the installation of a free standing sign where the sign height and the area of all faces exceed that permitted by Zoning, and the installation of 4 facade signs where the number and sign heights exceed that permitted by Zoning

being a VARIANCE of Section 48-18 H.(1)(a) & (b)

for property situated as follows:

334 Windsor Highway

known and designated as tax map Section 35, **Blk.** 1 **Lot** 59.21

PUBLIC HEARING will take place on the 9th **day of** December, **20** 02 **at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.**

Lawrence Torley

Chairman

ZBA # 02-66

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#1121-2002**

11/26/2002

Headlee Management Corp.

**Received \$ 500.00 for Zoning Board Fees, on 11/26/2002. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

Hoodless Management Corp.
100 Main St.
Hartford, CT 06103

PAY **** ONE HUNDRED FIFTY & 0/100 DOLLARS

TO THE
ORDER OF

DATE
11/8/02

AMOUNT
\$*****150.00

TOWN OF NEW WINDSOR

AUTHORIZED SIGNATURE

Jan C. Markle

ZBA# 02-66.

⑈0001750⑈ ⑆021906934⑆ 323340012828⑈

Hessman Management Corp.
Buffalo, NY 14250

PAY **** FIVE HUNDRED & 0/100 DOLLARS

TO THE
ORDER OF

DATE

11/8/02

AMOUNT

\$*****500.00

TOWN OF NEW WINDSOR

AUTHORIZED SIGNATURE

John L. Stashke

ZBA #02-66

⑈0001751⑈ ⑆021906934⑆ 323340012828⑈

WARRANTY DEED

THIS INDENTURE, made this 18 day of October, 2002, between BRAUVIN CAPITAL PARTNERS, LLC, a limited liability company created and existing under and by virtue of the laws of the State of Delaware, with offices at 30 North LaSalle Street, Suite 3100, Chicago, Illinois, party of the first part and ROUTE 32 NW REALTY, LLC, a limited liability company created and existing under and by virtue of the laws of the State of New York, with offices at 257 Route 17K, Newburgh, New York 12550, party of the second part.

WITNESSETH, that the party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration paid in hand by the party of the second part, does hereby grant and release unto the party of the second part, and to its successors and assigns of the party of the second part forever.

ALL THAT TRACT OR PARCEL OF LAND, with the buildings and improvements thereon erected more particularly described on Exhibit "A", which is attached hereto and made a part hereof, subject to the matters set forth on Exhibit "B", attached hereto and made a part hereof.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises. The party of the first part, for itself and its successors and assigns, does covenant with the party of the second part, its successors and assigns, that it warrants the quiet and peaceful possession of the party of the second part, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof by, through or under the party of the first part, but not otherwise. Furthermore, the party of the first part covenants and agrees that this conveyance is subject to the trust fund provisions of the Lien Law Section 13. Furthermore, the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever except for those matters shown on Exhibit "B", which is attached hereto and made a part hereof.

Tax Map Designation: 35-1-59.21

Tax Billing Address: 334 Windsor Highway, New Windsor, New York

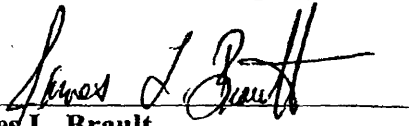
IN WITNESS WHEREOF, the party of the first part hereunto has duly exercised this deed the day and year first above written.

**BRAUVIN CAPITAL PARTNERS, LLC,
a Delaware limited liability company**

**By: BRAUVIN CAPITAL TRUST, L.L.C.,
an Illinois limited liability company**

Its: Manager

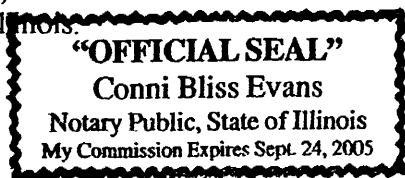
By:


James L. Brault

Its: President

State of Illinois)
) ss.
County of Cook)

Before me, a Notary Public, the above individual personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the City of Chicago, Illinois.



Conni Bliss Evans
Notary Public

Prepared By:

Jay E. Presser, Esq.
Patzik, Frank & Samotny Ltd.
150 South Wacker Drive
Suite 900
Chicago, Illinois 60606

Mail To: (After Recording)

~~David J. Gubits, Esq.
Jacobowitz and Gubits, LLP
158 Orange Avenue
Walden, New York 12586~~

When recorded mail to:
LandAmerica Financial Group, Inc.
attn: *Kimberly B. Becker*
3636 N. Central Ave, Suite 350
Phoenix, AZ 85012
Record No. 80225962

Name and Address of Taxpayer:

Route 32 Realty, LLC
257 Route 17K
Newburgh, NY 12550

EXHIBIT "A"
LEGAL DESCRIPTION

EXHIBIT "A"

All that certain real property situate in the County of Orange, State of New York, known as Lot No. 2, as shown on a map entitled New Windsor Associates, said map having been filed in the Orange County Clerk's Office on July 26, 1978 as Map No. 4589.

EXHIBIT "B"

PERMITTED ENCUMBRANCES

General and special real estate taxes and assessments not yet due and payable, covenants, conditions and restrictions of record, public, private and utility easements of record, building lines and liquor restrictions of record, zoning laws and ordinances and party wall rights, if any.